

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:21-CV-173-D

TRACIE BEARD, individually and on )  
behalf of all others similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOHN HIESTER CHEVROLET, LLC, )  
 )  
Defendant. )

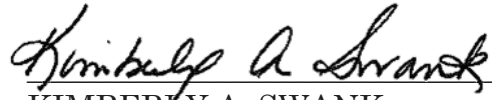
**ORDER**

This is a putative class action asserting violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). Presently before the court is Defendant’s motion to bifurcate or, alternatively, to stay discovery, which Plaintiff opposes. Defendant argues “[t]here are multiple flaws in [Plaintiff’s individual] claim, requiring dismissal of her lawsuit.” (Mot. Bifurcate or Stay [DE #23] at 10.) Defendant represents “[a] dispositive motion is forthcoming,” with an anticipated filing within thirty days. (*Id.*) Defendant contends that class discovery should not be allowed to proceed as the anticipated motion has the potential to terminate all claims, including the class claim asserted against Defendant.

Over six months have passed since Defendant filed its motion to bifurcate or stay discovery, and no motion seeking dismissal of Plaintiff’s claim has been filed. Accordingly, the court finds no basis for, and therefore **DISMISSES WITHOUT**

PREJUDICE, Defendant's motion to bifurcate or, alternatively, to stay discovery [DE #23].

This 16th day of March 2022.

  
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KIMBERLY A. SWANK  
United States Magistrate Judge